

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE BIOPURE CORPORATION  
SECURITIES LITIGATION

Civ. No. 03-12628-NG

**JOINT MOTION TO DENY PENDING MOTIONS AS MOOT**

Now come all of the Plaintiffs and all of the Defendants in the above-referenced action and they hereby respectfully move this Honorable Court to deny, without prejudice, as moot, the following motions which are pending in this action:

- Plaintiffs' Motion for Class Certification (Docket No. 127);
- Plaintiffs' Amended Motion for Class Certification (Docket No. 131);
- Plaintiffs' Motion for Protective Order (Docket No. 132);
- Defendant Biopure Corporation's Motion to Compel Discovery From Named Plaintiffs and for an Extension of the Class Certification Briefing Schedule (Docket No. 134); and
- Defendants' Motion to Strike Errata Sheets (Docket No. 141).

As the parties have previously advised the Court in letters dated February 6, 2007 and March 23, 2007 (Docket Numbers 156 and 157), the parties have reached an agreement in principle for the settlement of this class action, subject to approval of the Court. Accordingly, the motions set forth above should be denied, without prejudice, as moot. The parties further respectfully move that the Court's order denying the above-referenced motions, without prejudice, as moot, provide that if, for any reason, settlement

of this action is not consummated, then the Court will upon notice by the parties deem each of the above motions, and all filings in support and in opposition to those motions, to be refiled in this action, *nunc pro tunc*, without any further action by the Plaintiffs or the Defendants.

Date: March 28, 2007

Respectfully Submitted,

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**Certificate of Service**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing ("NEF") and paper copies will be sent to those indicated as non-registered participants on the 28th day of March, 2007.

/s/ Edward F. Haber  
Edward F. Haber